

CONSUMER PROTECTION COMMITTEE

Of the

Suffolk County Legislature

Minutes

A meeting of the Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **June 1, 2005**.

Members Present:

Legislator Cameron Alden • Chairman
Legislator Jay Schneiderman • Vice•Chair
Legislator William Lindsay
Legislator Lynne Nowick
Legislator Jon Cooper

Also In Attendance:

Mea Knapp • Counsel to the Legislature
Eric Brown • Aide to Legislator Schneiderman
Warren Greene • Aide to Legislator Alden
Alexandra Sullivan • Chief Deputy Clerk of the Legislature
Charles Gardner • Director/Department of Consumer Affairs
Ben Zwirn • Assistant County Executive
Brian Beedenbender • County Executive's Office/IR
Mike Ruscillo • Starlite Auto Glass/Holbrook
Joan Gilroy • Cablevision/Director of Franchise Management
All Other Interested Parties

Minutes Taken By:

Donna Catalano • Court Stenographer

Minutes Transcribed By:

Alison Mahoney • Court Stenographer

(* THE MEETING WAS CALLED AT 1:10 P.M. *)

CHAIRMAN ALDEN:

Good afternoon. Welcome to the Consumer Protection Committee Meeting. We'll have the Pledge and we'll have that led by Legislator Lindsay.

SALUTATION

I also traditionally take a moment of silence for those that have served this country, given up their lives. Unfortunately, on a daily basis, we have more that are doing the same.

MOMENT OF SILENCE OBSERVED

Thank you. The first thing on the agenda is we have a representative from Starlight Auto Glass. Come on up.

MR. RUSCILLO:

Where do I go?

LEG. ALDEN:

You have the option. If you want to stand up and speak to us or you could sit down, either one, whatever you feel comfortable. All you have to do is when you start speaking, just identify yourself, you know, what company you're from and then go right into it.

MR. RUSCILLO:

Okay, good afternoon. I'm Mike Ruscillo from Starlight Auto Glass.

I have literally been in the auto glass business since I'm six years old. I've seen the function of the windshield of a car go from keeping the wind out of your face and the rain out of your lap to an important structural part of the car.

The windshield in the cars today serve two functions. The first function is on impact, the airbag is deployed, it hits the windshield and is deflected in front of you. If the windshield should break loose on impact, your airbag goes right out the front, you have no airbag protection.

The second part of the windshield's function in the car is on roll•overs, which in cars now•a •days, that's prevalent. When your car rolls, the designers have figured out that the windshield will only let the roof collapse so far so that you'll not get crushed in the passenger compartment. If the windshield were to break loose on roll•over, the roof comes flat down to the hood, you're crushed immediately. And these are things that have happened, not could happen, they've already happened to people.

The problem is today we're talking about mobile installation. Mobile means when somebody comes to •• you call up your insurance company and you make a glass claim report, you don't

realize it, but they say, "Hold on, we're going to put you in to our glass unit." You've now been changed to an auto glass company. They take the report for the insurance company and they tell you, "Okay, we will dispatch a truck there this afternoon to take care of it." Mobile means they'll come to your house, they'll come to your driveways, they'll come to where you work and work out in the parking lot. The problem is an improper installation will cause failure of that windshield if you're in an accident, especially in wintertime and in the extreme heat.

If a windshield is not done in a controlled environment, the bed •• there is urethane that is glued to the body, that's what holds the glass in place. If there's any contamination, the urethane will break loose immediately from the body, you've lost your windshield, it's broken loose. In the wintertime, when the temperature drops below 40 degrees, a proper windshield installation requires primer. You cannot install •• you cannot apply primer to metal that is below 40 degrees. Once you do that, your urethane, which holds the glass to the body, will stick to the primer, but the primer will not stick to the metal, it rips right off.

Now, the problem is that these major chains have stepped in and their plan, their business plan is they've eliminated all their locations. Because by eliminating all their locations, they can run eight vans out of one location, load each van up with eight windshields and accomplish 64 windshields in a day without all the overhead and all the expense of maintaining a shop. And that is the major problem in the business today.

Currently, there are two bills in the Senate addressing this and one bill in the Assembly addressing this problem of the steering and improper installations. There are set guidelines set out by ANSI and AGRSS committees, there are two separate entities that have set forth guidelines that for a proper installation need to be followed. Neither of these guidelines can be followed in an open-ended environment in a mobile situation.

Connecticut has •• in Connecticut they've realized the problem; they are required, auto glass installers, to be licensed. In England, it's coming to light that there's a problem with people being hurt due to improper auto glass installation, they're looking into licensing auto glass installers. Right now there are not •• there's no requirement for a licensed auto glass installer in Suffolk County, Nassau County, New York State. It is being looked into, but it is a problem that •• in the past, if you got a poor windshield installation, that meant that if it rained you got a wet lap wherever you were going. Now•a•days if you get a poor windshield installation, you could be killed. That's all I have to say. Thank you. Any questions?

CHAIRMAN ALDEN:

So what is it that we can do about it?

LEG. LINDSAY:

Well, Mike came in to talk to me about this. I'm sorry he didn't bring the film with him. He has a film, or his organization has a film that 20/20 did a whole expose on this and it shows some real crashes where the windshield pops out and people just fly out the window, you know, if they don't have their belts on; If they do have their belts on, they have no protection from the airbag. And it was very enlightening to me which set me on a search to see if we could license them locally, and the answer is we can't.

Auto glass installers fall under the Vehicle Maintenance License with the State, so it's only the State that can take action on this. So the Sense Resolution simply puts us on record supporting •• there's two bills, there's a bill in the Senate and a companion bill in the Assembly that would add certain regulations to the Automotive Code, I guess, that the glass has to be installed in a controlled environment by the standards outlined by the ANSI, right?

MR. RUSCILLO:

Right. There's ANSI and AGRSS, there are two different ones, but either one is fine.

CHAIRMAN ALDEN:

Any questions by any of the other committee members? Thank you very much.

LEG. NOWICK:

Can I just ask ••

CHAIRMAN ALDEN:

Oh, wait a minute. Legislator Nowick.

LEG. NOWICK:

This is very enlightening and it just gives me one more thing to worry about with my kids. But I wanted to ask you, and you probably know the answer, the windshield of a car, is that glass •• does that glass expand when something hits it, or does ••

MR. RUSCILLO:

There is play in the glass, yes. If you see it under a slow motion on impacts, you actually see the waves of the glass move, because it's absorbed •• you know, if you're moving at 60 miles an hour and all of a sudden you're stopped, the glass does not just blow out. It is held in place, but there is give for it to stay and you'll see the glass itself actually move.

LEG. NOWICK:

So if something was •• if you're head was to hit it, and I know that would be hard, does that glass move out actually?

MR. RUSCILLO:

No, no, the glass would stay in place. But that's the important function of the airbags and the windshield, because when the airbags deploy, they take the windshield and use it to move them in front of you. So your head really wouldn't hit the windshield except if the windshield breaks loose from the body, the airbag goes out front and then, yes, your head will hit the windshield.

LEG. NOWICK:

Thank you.

CHAIRMAN ALDEN:

Thanks a lot.

MR. RUSCILLO:

Thank you.

CHAIRMAN ALDEN:

We have one other presentation and that's Joan Gilroy is here from Cablevision. And just to set this up, the Presiding Officer received a bunch of •• and I'm thinking that these are postcards, but they could have been letters •• and it's a little bit of a complaint about cable and some of the choices that they put on there as far as content on some of the channels and that they would rather not have some of these •• and they've enumerated them in their complaint form, some of these channels included in with educational channels in the Basic Cable. So Joan was gracious enough to come down here address us on this. So, Joan?

MS. GILROY:

Joan Gilroy, Director of Franchise Management for Cablevision, 1600 Motor Parkway, Hauppauge.

Mr. Chairman and Members of the Committee, good afternoon. Last week when Chairman Alden called me and explained to me exactly what he was saying about these postcards arriving in the Presiding Officer's Office, I decided I best look into it and see what this is all about. There's an organization called "The Parents Television Council," which is out of California. They have quite an extensive website, if you go on. But basically they are a group which are trying •• I should say there are many, many national campaigns going on and these postcards are part of one of the national campaigns which advocates government banning of programming on Basic and Family Cable Tiers as a remedy of parental concerns in regard to children cable viewing.

The call and the opportunity to come to speak to you is so timely, because today, June 1, Cablevision and the National Cable Television Association is launching a major, major campaign to educate parents about what we consider our alternative to banning, which is blocking. And I will go through later •• just briefly go through, and that's what your packet is all about. It's a program that's called, Cable Puts YOU in Control, and I'll explain briefly how you do that. And the tab line is, "Take control, It's Easy."

Let me begin by saying we agree with this California organization's basic premise that parents, parents have the greatest responsibility when it comes to monitoring the viewing habits of their children. But we immediately part ways with this organization when it comes to how to help parents with this responsibility. We provide an alternative of blocking and not banning. Cablevision believes strongly that it is our social responsibility to provide Suffolk County parents with the necessary tools so that they can make their own viewing choices, set their own viewing

restrictions at their own discretion for their own families in their own homes. Cablevision does not want to become the parent, and we strongly believe neither should watchdog organizations or governmental agencies.

You as courts have taken the position that effective blocking of programming is less restrictive and less invasive than banning which can •• which one can argue becomes an infringement on your First Amendment rights. Just as an example, if you go on•line on their website, on the PTC website, and you look up their recommendations for 2004, they would recommend that we ban Will & Grace, Two and a Half Men, CSI, Cold Case and Fear Factor, which happen to be popular, very popular programming. Simply put, Cablevision believes blocking and not banning is the appropriate tool.

Okay. So how do we do it? How are we providing the tools and how are we letting parents know about the tools? First and foremost, it's very simple; Cablevision provides parental controls that are available to all customers, regardless of your level of service. You don't have to have a particular box. Any parent can parentally control a particular channel, one particular channel, even for a particular time period on the channel. And how do we do that? I guess the most common way is if you have a box, all right, your converter box. And whether it's an analog box or a digital box, you can very simply follow in the guides that we provide and you can block out • • as I said, you can block out a channel. And it doesn't matter if it's on the Family where you get the whole Family package, you can block out one channel on Family if you choose to do that on one TV in your home.

We do provide •• now, how do you do that? I think it's pretty easy to follow, but it's in all the booklets that come with the •• that come with the equipment. We actually have it in •• we actually have bilingual, so Spanish•speaking, we also have that guideline, we have these quick guidelines, which if you open it up, you know, quick and easy to find. I don't find them so quick and easy sometimes with all these different colors to follow, but they're clearly in there, all the references are in materials that come. So if you have that equipment •• all right.

Now you can say to me, "Suppose I don't get the equipment and I get Family Cable and I don't have a piece of equipment to be able to do that." The second way you can do it is cable•ready televisions, all right? Cable•ready televisions, if you follow the menu on the television when it comes on with whatever brand you have, you should be able to follow through and that should be able to block it out. All right.

Now you say, "Okay, but I have an old television and I don't have a cable•ready television, what am I going to do?" Cablevision has committed that if somebody comes •• calls us, we will provide them free of charge an analog box and this way they can put it on their television and they can now block it out. All right? So we've covered that.

If for some reason that's not working and somebody absolutely doesn't want, you know, MTV near their house, we can trap it at the pole, but obviously that becomes inconvenient for the customer because suppose they want to watch it, the next day you've got to send a truck out and take the trap off the pole, you know. So trapping is the extreme, is the extreme thing, more than just a parental control. So everyone, every customer, has the ability to block •• to block that out.

All right. The •• and it's very simple to block out. You have to create a PIN number or a master key number and only you know it, Cable doesn't know it. The only time we know it is when you call up and you say to us, "I forgot my PIN number, what do I do?" What we do is we can clear out the existing PIN number and you create a new PIN number. And at any time you can do this. You know, suppose you get a box and, you know, when you're young and swinging and single and all of a sudden, you know, years go by and now you've become a responsible parent and you've lost all this information, you know, what do I do? Call us up, you can either come in and get the materials or we can talk you through it. So everybody •• as I said, everybody has that ability to do it.

The second technical way, the second technical tool is this V•Chip that's been out now. Any TV 13 inches or larger that was manufactured January, 2000, going forward, has the V•Chip. Actually, a couple of the manufacturers started in July, 1999. Again, the V•Chip allows you to be able to right there at the •• with your •• at the TV level, to be able to block out what you want. They just recently, with this major campaign that's starting today, what they're doing is they've improved upon the ratings on the V•Chip, all right? Now, you may have seen these little icons that come up. What the program is providing now is that the icons be larger so that you notice them and also that they pop up during the program. So in a 30 minute show you're going to see this icon come up four times, in a 60 minute show six times, so that you can see •• you can see and you realize what rating it is, all right?

Another way to see the rating is if you're on Cable and you go on Channel 14, you may see these little •• you may have seen, like, TV•14 and wondered what this little icon is on your menu as the menu is scrolling. That's exactly what this is •• what this is all about. One of the things the campaign urges is that your local newspaper carries the ratings. And it's interesting, last night I looked at Newsday just to see if they do it and they're not carrying it. So maybe we should encourage them that they do carry these icons next to the programming so you would know before you •• you know, before someone was watching the program. So those are really the two basic tools, how you can control. And they're there and they've actually been there for a long time.

And one of the things where the cable industry decided it was probably time for us to step up to the plate to explain this to parents to let them know, because a lot of parents don't even know that they have this actually right at their finger tips. So this whole campaign, which is •• which is called, Cable Puts YOU in control, and it's easy •• "Take Control, It's Easy," is starting actually being announced in Washington today. And what it's going to consist of is there will be •• the cable industry has committed \$250 million towards PSAs, Public Service Announcements; Cablevision will be running Public Service Announcements, cross channels, between now and the

end of the year. Actually, in the kit they give you a little disk which gives you some samples of the campaigns and the PSA's and the spots. So that's the first way •• and they're also going to be bilingual. So that will be out there.

The second thing is we actually developed, and I have it still in a raw format, our own logo and statement that this is going to go on the bottom of all our bills, the banner. And as you can see, it's the Cable Puts YOU in Control; Take Control. It's Easy. Set Viewing Restrictions at Your Discretion, For Details, Visit," and it gives our website. This is going to be at the bottom of the bills. And actually, when I started looking into this, I really learned a lot. At the back of our bills, we do have a little section about parental control, but probably like most people, you pay your bill and you don't read what's on the back of the bill. So this now will be a banner that will be flagging that we have this. They're now considering maybe putting it •• this banner on the bill envelope so when it goes out •• so really, we're trying to do everything ••

CHAIRMAN ALDEN:

Legislator Nowick said that you never get over the shock of the front of the bill, so you never get to the back.

MS. GILROY:

So what we're really trying to do is use this banner to flag in on those things. There's going to be posters made. The posters will be put up in the walk•in centers. So it's really trying to hit the parent with the fact that you have this tool, and it's important for you to use it.

Another interesting element of the national campaign is at a national level they're trying to partner with stores like Best Buy and Circuit City so that at the point of sale, they would be able to put up this information. So if a parent goes and buys a cable•ready TV, they would know enough or we would alert them to ask the question, you know, "Can I do parental controls and how can I do that?" All right. So you're going to start seeing this logo all around.

Our website is •• again, we committed to make it very easy and that you don't have to dig down and drill down to find this information. If you simply go on www.Cablevision.com, you will see immediately their express links and pop right in front of you is parental controls. And then anything you ever wanted to know, there's 20 most asked questions about parental controls, it's interactive. You can easily print it out because a lot of them gives you instructions of how to do the controls. You can e•mail back to us if you don't get the right •• if you don't get an answer that's working. So it's very simple, very interactive, very easy to go on that.

Another thing that I thought was pretty interesting trying to hit the parents is we put out a lot of marketing pieces, and this particular one is a very slick one that says "IO Inside". And it simply lists all the different programming and features that you can get through Cablevision Digital Services, whether its games, whether it's HBO, whether it's On•Demand. And on the page that it very tactfully says "Late Night Entertainment" smack in the middle is telling you that may be appropriate and may be your sort of entertainment that you choose, but there's a parental control saying that maybe you should think about it, you may want to block this out of the TV where the kids are watching if you want to watch in another room. So again, it's just trying to tactfully enlighten the parents to do that.

All of our techs, all the field techs are instructed that when they go on a service call to ask the question before they leave, "Do you need us to show you how to handle the parental control?" And all the CRC's, our telephone operators are also trained to walk you through, if you need to walk through.

So that in a nutshell is really highlighting that we're aware of the program and that we are really launching, we're at the point of launching this major program, and it's really a program of educating the parents on tools that exist. We truly believe, we truly believe, and we're standing behind this, that blocking is the way that you can achieve the desired result here and the desired

goal and you don't need big brother banning your choices. Thank you. Any questions?

CHAIRMAN ALDEN:

Thanks. And just to point out, we as Suffolk County Legislature don't have any jurisdiction over this, but what we might have is an obligation to develop some information that goes on a Suffolk County website. So with the committee's approval, I'll try to draft something, circulate it to the members of the committee and as a committee we'll put out something where we're going to add to our website just some information. And it will have to cover not only Cablevision but, you know, any of the satellite•type of providers, too, that there are certain blocking controls that parents could have. And Legislator Cooper, you had some questions.

LEG. COOPER:

Thank you. Joan, I was wondering, is Cablevision the only cable company in the nation to offer this, or is this commonly available nationwide?

MS. GILROY:

No, this is •• the tools on the equipment itself are basically on all equipment, you know, and I would say it would be pretty much throughout. Time Warner has it, Comcast has it on all their cable boxes. What the industry decided is we better wake up because there are organizations out there trying to ban and we said, "Wait. We have a product here that we can control" •• "That we could provide as an alternative." So the industry, other companies, as I said, Comcast, as the Time Warners, are joining on. Comcast is very big and did a lot of developing of some of the advertising and have joined us on a national level. It's also been endorsed by the PTA's.

LEG. COOPER:

And do you happen to know whether anyone has reached out to the fine folks at organizations like PTC to let them know about this, or do you think that they're aware and they don't care?

MS. GILROY:

I'm sure they're aware. It is quite an extensive, as I said, website. When you go on they have some interesting high names attached to it, very involved. But as you said, I think •• again, I hate to put my subjective comment on it but, you know, when you start digging down deep, you know, this is like the moral majority that's out there saying, "I don't want anybody to watch this program," and what we're •• as I said before, we're saying it should always remain the choice of the household. And you can very well, and it's easy, block it out.

LEG. COOPER:

Thank you.

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

I must comment on how thorough your presentation is. And I must say that Cablevision seems to be doing everything that you can do to get your message across and you seem to be worrying about every little detail, which is very good. It seems that even when people are not good at this sort of thing, you have support systems and this has been very, very informative for me and I just wanted to congratulate you and Cablevision.

MS. GILROY:

Thank you.

LEG. NOWICK:

And I would just stress one other point that I think is important would be the marketing of this, to get the message out. Whether it's soccer teams or PTA's or day care centers or wherever you can, because unless its marketed properly, the parent won't know.

MS. GILROY:

And now, as the technology has developed, I mean, if you have five TV's in your house, you can have •• you can do different blocking on different TV's today. You know, if you want •• because some of this V•chip is by age and the way they categorize it, some of it is viewing 14 years and above, viewing seven years and above. So in a tod •• I don't know if you would say toddler, but a young person's room you could just put •• it may be simply Sesame Street they want to watch, if that's still on PBS, right, and then everything else can be blocked. So you can do very specific blocking.

LEG. NOWICK:

Unfortunately, it's those young kids that you're talking about that are going to have to explain to the parents how to block it, because they're the only ones that are going to be able to figure it out. Thank you for your presentation.

MS. GILROY:

Call us, we'll try to figure it out. There's actually •• some of the guides, I was laughing because I'm one of those that need it, they have pictures and little arrows and colors to teach you how to do this, you know. But they claim it's easy, you just have to get •• but you have to remember the pin, and right now I have like 20 pins I have to remember.

Right? We all do. So you forget.

CHAIRMAN ALDEN:

And Jon, just to go back to your point for a minute. The letters that were received, it's an organization that's based in California, but they were sent to us by local constituents. So it's something •• I'm just assuming that it, you know, expands the whole United States. But if you look in the basic content, they're looking to •• and I think it's more of an argument for censorship. They're looking to make a constitutional argument that if they're paying for something that's labeled as basic cable, that certain types of programs should be excluded from that. And then on the other side it's going to be, you know, like the commercial argument, you know, like freedom of speech and things like that, and now they're showing you alternatives. But again, Thanks a lot, Joan, for coming down.

MS. GILROY:

Okay. Thank you.

CHAIRMAN ALDEN:

Any other questions? Thanks.

I don't have any other cards? Did anybody else want to address the committee? If not, then we have one Sense Resolution.

Sense 41 • 2005 • Memorializing Sense Resolution requesting the State of New York to amend the insurance law to enact industry standards for replacement of automobile glass (Assembly Bill A.3429 and Senate Bill S.7199) (Lindsay). Bill?

LEG. LINDSAY:

Motion.

LEG. COOPER:

Second.

CHAIRMAN ALDEN:

Motion to approve, second by Legislator Cooper. All those in favor? Opposed? Any abstentions?
It's carried unanimously (VOTE: 5•0•0•0).

Any other business to come before this committee? None?

We stand adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 1:38 P.M. *)